

1 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
 Roman M. Silberfeld, Bar No. 62783
 2 RMSilberfeld@rkmc.com
 David Martinez, Bar No. 193183
 3 DMartinez@rkmc.com
 2049 Century Park East, Suite 3400
 4 Los Angeles, CA 90067-3208
 Telephone: 310-552-0130
 5 Facsimile: 310-229-5800

6 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
 Elliot S. Kaplan (*Pro Hac Vice*)
 7 ESKaplan@rkmc.com
 K. Craig Wildfang (*Pro Hac Vice*)
 8 KCWildfang@rkmc.com
 Lauren E. Wood (*Pro Hac Vice*)
 9 LEWood@rkmc.com
 800 LaSalle Avenue
 10 2800 LaSalle Plaza
 Minneapolis, MN 55402
 11 Telephone: 612-349-8500
 Facsimile: 612-339-4181

12 Attorneys for Plaintiffs

13
 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16
 17 IN RE TFT-LCD (FLAT PANEL)
 ANTITRUST LITIGATION

Master File No. 3:07-MD-1827 SI
 MDL No. 1827

Case No. 3:10-CV-4572 SI

The Honorable Susan Y. Illston

19 This Document Relates to Individual Case No.
 3:10-CV-4572-SI:

20
 21 BEST BUY CO., INC.; BEST BUY
 PURCHASING LLC; BEST BUY
 22 ENTERPRISE SERVICES, INC.; BEST BUY
 STORES, L.P.; BESTBUY.COM, L.L.C.; and
 23 MAGNOLIA HI-FI, INC.,

Plaintiffs,

24 v.

25 AU OPTRONICS CORP.; AU OPTRONICS
 CORPORATION AMERICA; CHI MEI
 26 CORP.; CHI MEI OPTOELECTRONICS
 CORP. (N.K.A. CHIMEI INNOLUX
 27 CORPORATION); CHI MEI
 OPTOELECTRONICS, USA, INC.;
 28 CHUNGHWA PICTURE TUBES, LTD.;

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING THIRD PARTY
DISCOVERY OF TOSHIBA
AMERICA INFORMATION
SYSTEMS, INC. AND THEIR
EMPLOYEES AND FACT
DISCOVERY CUT-OFF

CMO JAPAN CO., LTD.; EPSON
ELECTRONICS AMERICA, INC.; EPSON
IMAGING DEVICES CORPORATION;
HANNSTAR DISPLAY CORP; HITACHI
DISPLAYS, LTD.; HITACHI ELECTRONIC
DEVICES (USA), INC.; HITACHI, LTD.; LG
DISPLAY CO., LTD.; LG DISPLAY
AMERICA, INC.; NEXGEN MEDIATECH
USA, INC.; NEXGEN MEDIATECH, INC.;
SHARP CORP.; SHARP ELECTRONICS
CORP.; TATUNG COMPANY OF
AMERICA, INC.,

Defendants.

Plaintiffs BEST BUY CO., INC.; BEST BUY PURCHASING LLC; BEST BUY
ENTERPRISE SERVICES, INC.; BEST BUY STORES, L.P.; BESTBUY.COM, L.L.C.; and
MAGNOLIA HI-FI, INC., (“Best Buy”) and Third Party TOSHIBA AMERICA
INFORMATION SYSTEMS, INC. (“TAIS”) collectively referred to as the “Parties” by and
through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS the fact discovery cut-off in the Direct Action Plaintiffs’ track one cases is
December 8, 2011;

WHEREAS on November 29, 2011, Best Buy notified counsel for TAIS of its intent to
seek the production of documents from TAIS and to serve subpoenas for the production of
documents and for the depositions of TAIS employees Mark Simons, Terry Cronin, Kurt
Skillman, and Dave Anderson, and former TAIS employee Howard McBride, and on December
1, 2011, counsel for TAIS agreed to accept service of any subpoenas on their behalf;

WHEREAS on December 1, 2011, Best Buy indicated its intention to serve a third-party
subpoena for the production of documents and for the deposition of TAIS employee Barry
Schwartz, and counsel for TAIS agreed to accept service of any subpoena on his behalf;

WHEREAS on November 29, 2011, Best Buy notified counsel for TAIS of its intent to
depose former TAIS employee Matt Weiss;

WHEREAS Best Buy requested confirmation from counsel for TAIS regarding whether
they would accept service on behalf of former TAIS employee Mr. Weiss;

WHEREAS counsel for TAIS on December 5, 2011 indicated that they will accept service on behalf of Mr. Weiss, and Best Buy served a subpoena for the production of documents from and deposition of Matt Weiss on counsel for TAIS on December 6, 2011;

WHEREAS counsel for Best Buy has informed counsel for TAIS that the need only recently arose for the depositions of the TAIS employees Mark Simons, Terry Cronin, Kurt Skillman, Dave Anderson, and Barry Schwartz and of former TAIS employees Howard McBride and Matt Weiss based documents produced in the above-captioned litigation;

WHEREAS the Parties are working together to reach an agreement regarding the timing and scope of the aforementioned depositions;

THEREFORE, Best Buy, by its counsel, and TAIS, by its counsel, stipulate and agree as follows:

1. The fact discovery cut-off date of December 8, 2011 set forth in the Order Modifying Pretrial Schedule for "Track One" Direct Action Plaintiff and State Attorney General Cases (MDL Dkt. No. 3110) is extended up to and including January 31, 2012, solely as to the potential depositions of TAIS employees Mark Simons, Terry Cronin, Kurt Skillman, , Dave Anderson, and Barry Schwartz and of former TAIS employees Howard McBride and Matt Weiss and for the production of documents pursuant to the subpoenas served on TAIS and TAIS employees Mark Simons, Terry Cronin, Kurt Skillman, Dave Anderson, and Barry Schwartz and on former TAIS employees Howard McBride and Matt Weiss.
2. This Stipulation does not constitute an agreement by the parties as to any the necessity of any individual deposition. The parties reserve all rights to pursue or object to the depositions on the merits.

1 **IT IS SO STIPULATED.**

2
3
4 DATED: December 8, 2011

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

5 By: /s/ David Martinez
6 Roman M. Silberfeld
7 David Martinez
8 Lauren E. Wood
9 Attorneys For Plaintiffs

10 Robins, Kaplan, Miller & Ciresi L.L.P.
11 2049 Century Park East, Suite 3400
12 Los Angeles, CA 90067-3208
13 Direct Dial: 310-229-5826
14 Fax: 310-229-5800

15 BEST BUY CO., INC.; BEST BUY
16 PURCHASING LLC; BEST BUY ENTERPRISE
17 SERVICES, INC.; BEST BUY STORES, L.P.;
18 BESTBUY.COM, L.L.C. and MAGNOLIA HI-
19 FI, INC.

20 DATED: December 8, 2011

WHITE & CASE L.L.P.

21 By: /s/ Kristen J. McAhren
22 Christopher M. Curran
23 Kristen J. McAhren
24 John H. Chung

25 White & Case LLP
26 701 13th Street, NW
27 Washington, DC 20005
28 Direct Dial: 202-626-3706
Fax: 202-639-9355

Attorneys for Third Party
TOSHIBA AMERICA INFORMATION
SYSTEMS INC.

ATTESTATION: Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from stipulating third parties.

///

1 **IT IS SO ORDERED.**

2
3 Dated: 12/12, 2011

4
5 

6
7 Hon. Susan Illston, United States District Judge

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW
LOS ANGELES